IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

WP(C).No. 9017 of 2007(W)

AGAINST THE ORDER IN E.P. 31/03 IN OS.71/1998 of SUB COURT,NEYYATTINKARA
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PETITIONER:

BALRAJ, AGED 50, S/O.CHELLAPPAN NADAR,
SARATH NIVAS, VAZHATHOOR DESOM,
NEYYATTINKARA VILLAGE.

BY ADV. SRI.R.T.PRADEEP
SRI.V.VIJULAL

RESPONDENTS:

BHASKARAN NAIR, S/O.KRISHNA PILLAI,
MANIKANDA MANDIRAM, NEDIYAMOODU,
PARASUVAIKKAL VILLAGE, PARASUVAIKKAL DESOM.

BY ADV. SRI.R.S.KALKURA
SRI.M.S.KALESH
SRI.HARISH GOPINATH
SRI.V.VINAY MENON
SRI.KIRAN SANKAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT. P1 **TRUE COPY OF DECREE IN OS 71/98 SUB COURT, NEYYATTINKARA.**

EXT.P2 **TRUE COPY OF E.A. 269/04 IN OS 71/98 DTD. 10.12.04.**

EXT.P3 **TRUE COPY OF E.A. 157/05 IN OS 71/98 DTD.10.6.05.**

EXT.P4 **TRUE COPY OF APPLICATION DTD.25.1.06.**

EXT.P5 **TRUE COPY OF ORDER DTD.25.1.06 IN E.A.269/04 IN EP 31/03 IN OS 71/98 OF SUB COURT, NEYYATTINKARA.**

EXT.P6 **TRUE COPY OF ORDER DTD.25.1.06 IN EP 31/03 IN OS 71/98 SUB COURT, NEYYATTINKARA.**

EXT.P7 **TRUE COPY OF ORDER DTD. 25.1.06 IN EP 31/03 IN OS 71/98 SUB COURT, NEYYATTINKARA.**

[True copy]

P.A. to Judge.

M.N.KRISHNAN, J

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W.P.(C) No.9017 OF 2007

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Dated this the 26th day of July, 2007

JUDGMENT

This writ petition is filed to set aside Exts.P5 to P7 orders passed by the Sub Court, Neyyattinkara. It is seen that there are remedies available under the Code of Civil Procedure when an application is dismissed for default, when it is posted for hearing under Order XXI Rule 105. Application for restoration has to be filed under Order XXI Rule 106 C.P.C. If such petitions can be filed by the petitioner which is permissible under law he is at liberty to do so and in order to enable him a breathing time for settling the matter with the decree holder, if the delivery is not already effected, the same shall be deferred for a period of two months from today.

Writ petition is disposed of accordingly.

M.N.KRISHNAN, JUDGE

Cdp/-